

ZB# 97-27

John Casey

80-5-2

#97-27 Casey, John

area

8-5-2

Prison.

Aug. 11, 1997
Paid fees - Dec 4
9/10. ~~Public Hearing~~ ~~Public Hearing~~
9/10. ~~Public Hearing~~ ~~Public Hearing~~

Sep. 22, 1997.
Variance
Granted

MADE IN U.S.A.
© Wilson Jones, 1969

DATE Aug 25, 1997 RECEIPT 6772296
 RECEIVED FROM John Casey
 Address _____
Fifty 00/100 DOLLARS \$ 50.00
 FOR ZBA # 97-27

ACCOUNT		HOW PAID	
BEGINNING BALANCE		CASH	
AMOUNT PAID		CHECK # <u>2957</u>	<u>50.00</u>
BALANCE DUE		MONEY ORDER	

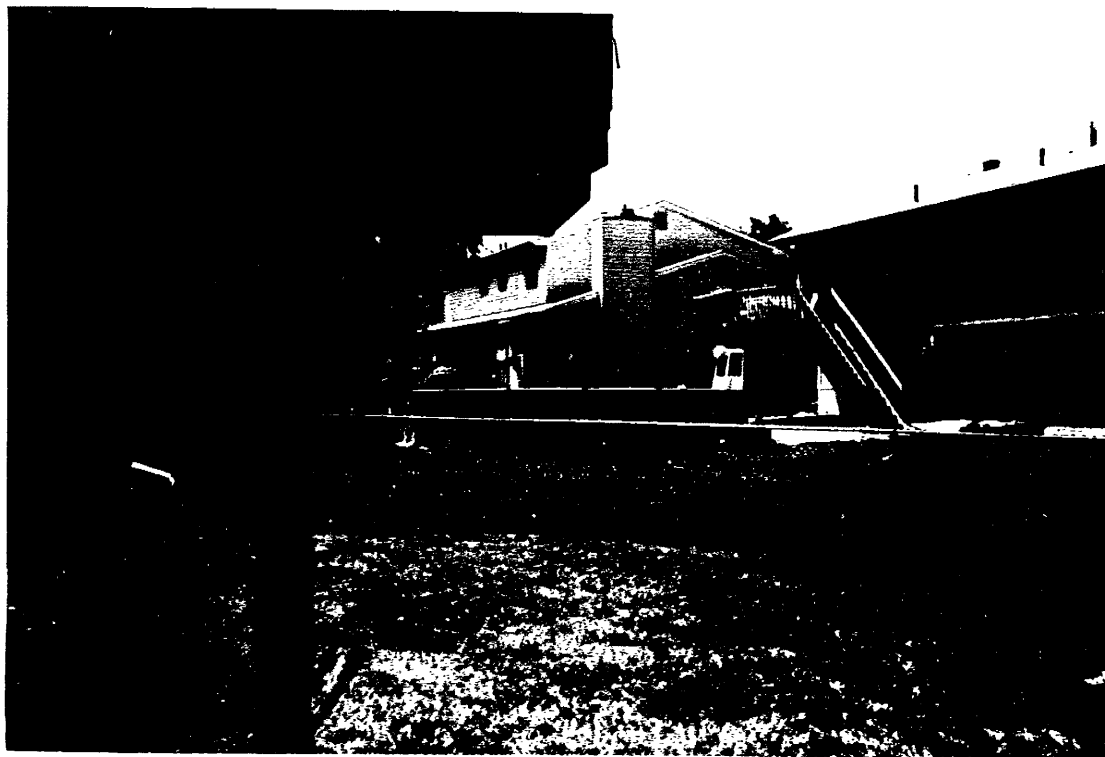
Town Clerk
 BY Dorothy H. Hansen *sr*







#97-211 Casey, John
 casey 80-5-2



80-5-21

80-5-21

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Casey, John

FILE# 97-27

RESIDENTIAL: \$50.00
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA ☒

USE ☐

APPLICATION FOR VARIANCE FEE \$ 50.00

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 300.00

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 8/11/97: 5 pages \$ 22.50
2ND PRELIMINARY- PER PAGE 8/22/97: 3 pages \$ 13.50
3RD PRELIMINARY- PER PAGE \$ _____
PUBLIC HEARING - PER PAGE \$ _____
PUBLIC HEARING (CONT'D) PER PAGE \$ _____

TOTAL \$ 36.00

ATTORNEY'S FEES: \$35.00 PER MEETING

PRELIM. MEETING: 8/11/97 \$ 35.00
2ND PRELIM. \$ 35.00
3RD PRELIM. \$ _____
PUBLIC HEARING \$ _____
PUBLIC HEARING (CONT'D) \$ _____

TOTAL \$ 70.00

MISC. CHARGES:

..... \$ _____
TOTAL \$ 106.00

LESS ESCROW DEPOSIT \$ 300.00
(ADDL. CHARGES DUE) \$ ~~200.00~~
REFUND DUE TO APPLICANT \$ 194.00

Refund

paid 8/25/97 ck # 2957
paid ck # 2956 8/25/97

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO

John Casey

DR.

111 Creamery Drive, N.H.

DATE _____

CLAIMED

ALLOWED

9/26

Refund of Escrow Dep. # 97-27

\$194.00

Patricia A. Bankart

-----X
In the Matter of the Application of

JOHN CASEY

**MEMORANDUM OF
DECISION GRANTING
AREA VARIANCE**

#97-27.
-----X

WHEREAS, JOHN CASEY, 111 Creamery Drive, New Windsor, New York 12553, has made application before the Zoning Board of Appeals for a 16 ft. rear yard variance to construct a 14 x 16 ft. family room addition at the above in a CL-1 zone; and

WHEREAS, a public hearing was held on the 22nd day of September, 1997 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared before the Board on his own behalf for this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor of or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property is a one-family home located in a neighborhood of one-family homes.

(b) The way in which the property is configured, a rear yard variance is applied for by the Applicant because the proposed addition would meet one measurement but would not meet the other.

(c) There is presently a door on the house which, without a deck, would be a safety hazard since a person exiting from that door would fall a considerable distance to the ground, resulting in almost certain injury.

(d) The proposed addition and attached deck are consistent with the neighborhood and with similar construction in the neighborhood.

(e) The proposed structure would not interfere with the course of any water or drainage or cause ponding or accumulation of water.

(f) The proposed variance if granted would not interfere with any sewage or septic system or well.

(g) The lot is of sufficient size so that there does not appear to be any difficulty with developmental coverage of the lot.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to the Applicant which can produce the benefits sought.

3. The variance requested is substantial in relation to the Town regulations but nevertheless is warranted.

4. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.

6. The benefit to the Applicant, if the requested variance is granted, outweigh the detriment to the health, safety and welfare of the neighborhood or community.

7. The requested variance is appropriate and is the minimum variance necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variance.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a

request for a 16 ft. rear yard variance to construct a 14 x 16 ft. family room addition located at the above-referenced property in a CL-1 zone as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: November 10, 1997.

/s/ Lawrence Torley
Chairman

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth 168 North Drury La DR.
Newburgh ny 12550

TB			CLAIMED	ALLOWED
197		Zoning Board Mtg	75 00	
		Misc - 2		
		Patel - 5		
		Franklin - 7		
		Manstoyda - 2		
		Craig / Toyota - 2		
		Catanzaro - 3		
		Casey - 3 13.50		
		Rosmarino - 3 13.50	121 50	
		<u>27</u>		
			196 50	

CASEY, JOHN L.

Mr. John Casey appeared before the board for this proposal.

MR. NUGENT: Request for 16 ft. rear yard variance to construct 14 x 16 family room addition at 111 Creamery Drive in CL-1 zone. Let the record show there is nobody in the audience except for the applicant.

MR. CASEY: I have submitted pictures, site plan, tax map and blueprints for the deck because of the way the house is situated, I would be going off the dining room upper part, it's an angular piece of property, therefore there won't be enough variance to add the addition.

MR. KRIEGER: Back yard meets one, doesn't meet the other one?

MR. CASEY: That is correct.

MR. NUGENT: Where is the newer part going to go?

MR. CASEY: No, it would be on top, the existing deck comes down.

MR. TORLEY: How big is the existing deck?

MR. CASEY: 12 x 20.

MR. KRIEGER: So, without, is there presently a door which exits onto the deck?

MR. CASEY: Yes, sliding glass door.

MR. KRIEGER: Without a deck, somebody would fall a considerable distance from the door to the ground?

MR. CASEY: That is correct.

MR. KRIEGER: Replace the deck with the family room which means that dangerous condition will not exist?

MR. CASEY: That is correct.

MR. NUGENT: What's going on underneath it?

MR. CASEY: Same as now, just ground, just be ground, will be flat.

MR. NUGENT: You're going to build it up on like--

MR. CASEY: Yes, it's going to go on a structure.

MR. TORLEY: Enclosed deck?

MR. CASEY: It's going to be addition of a room, fully enclosed, electricity on stilts, right, there's numerous other additions like that in the area.

MS. BARNHART: For the record, we did send out 49 addressed envelopes and you didn't get any response.

MR. KRIEGER: If it's permitted to be constructed in the way that you have suggested, would it interfere with the course of any water drainage or water course or cause any ponding of water?

MR. CASEY: No.

MR. KRIEGER: Would it be constructed over the top of any sewage or septic system or well?

MR. CASEY: No.

MR. REIS: John, what's your approximate total square foot of the deck?

MR. CASEY: It's 12 x 12, 144 square feet, I guess and what I'd be doing is putting on the 14 x 16 room and then next to that, approximately an 8 x 10 just regular deck so I can have access down to the ground.

MR. TORLEY: There's no problem with developmental coverage?

MR. NUGENT: Don't appear, it's a big lot.

MR. KANE: No, there's no way, remember I live there,

my deck's much bigger.

MR. TORLEY: We don't want you to solve half your problem. Entertain a motion?

MR. NUGENT: Yes.

MR. TORLEY: I move we grant Mr. Casey his requested 16 foot rear yard variance.

MRS. OWEN: Second it.

ROLL CALL

MRS. OWEN	AYE
MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

Date 9/20/97, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth 168 North Derry La DR.
Newburgh ny 12550

DATE			CLAIMED	ALLOWED
22/97		Zoning Board Mtg	75 00	
		Misc - 2		
		Patel - 5		
		Franklin - 7		
		Manstoyda - 2		
		Craig Toyota - 2		
		Catanzaro - 3		
		Casey - 3 13.50.		
		Rosmarino - 3	121 50	
		27		
			196 50	

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (914)563-4630 TO
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

DATE: 7/28/97

**APPLICANT: John Casey
111 Creamery Drive
New Windsor, New York 12553**

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 7/24/97

FOR : For 14 X 16 Family Room

LOCATED AT: 111 Creamery

ZONE: CL-1

DESCRIPTION OF EXISTING SITE: 7/24/97

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

SEC/ LOT/BLK 80-5-2

1. Proposed 14 X 16 Family Room exceeds minimum 40' rear yard side backs.


BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: CL-1 USE : CL1-G

MIN. LOT AREA:

MIN LOT WIDTH:

REQ'D.. FRONT YD:

REQ'D. SIDE YD:

REQD. TOTAL SIDE YD:

REQ'D REAR YD: 40' 24' 16'

REQ'D FRONTAGE:

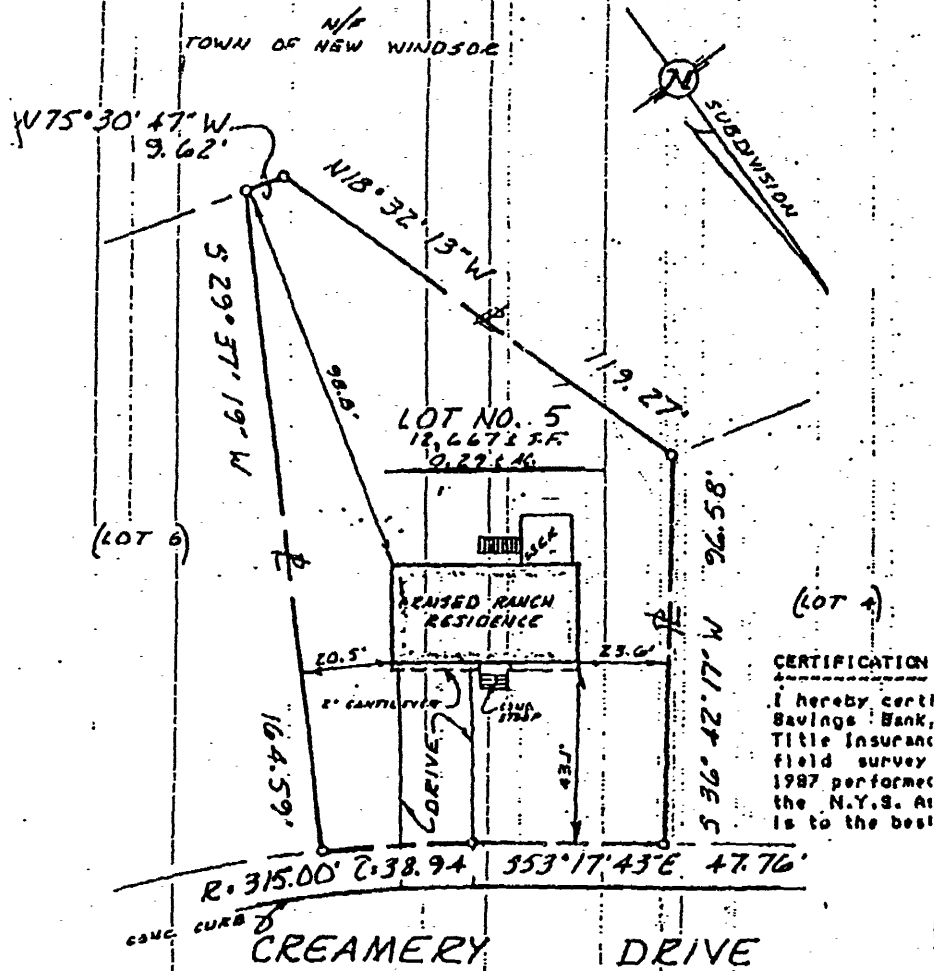
MAX. BLDG. HT.:

FLOOR AREA RATIO:

MIN. LIVABLE AREA:

DEV. COVERAGE:

██████████ A., APPLICANT, FILE ,W/ ATTACHED MAP



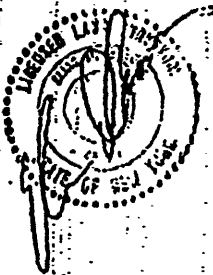
CERTIFICATION
 I hereby certify that this plan resulted from an actual field survey performed by me, the N.Y.S. A.S., and is to the best of my knowledge and belief, correct.


GENERAL NOTES

1. Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of Section 7209 (2) of the New York State Education Law.
2. Only copies from the original of this survey, marked with an original of land surveyor's inked seal, shall be considered to be valid true copies.
3. Certification shall run only to the person for whom the survey is prepared, and on his behalf to the title company, governmental agency and lending institution listed hereon and is not transferable to additional institutions or subsequent owners.

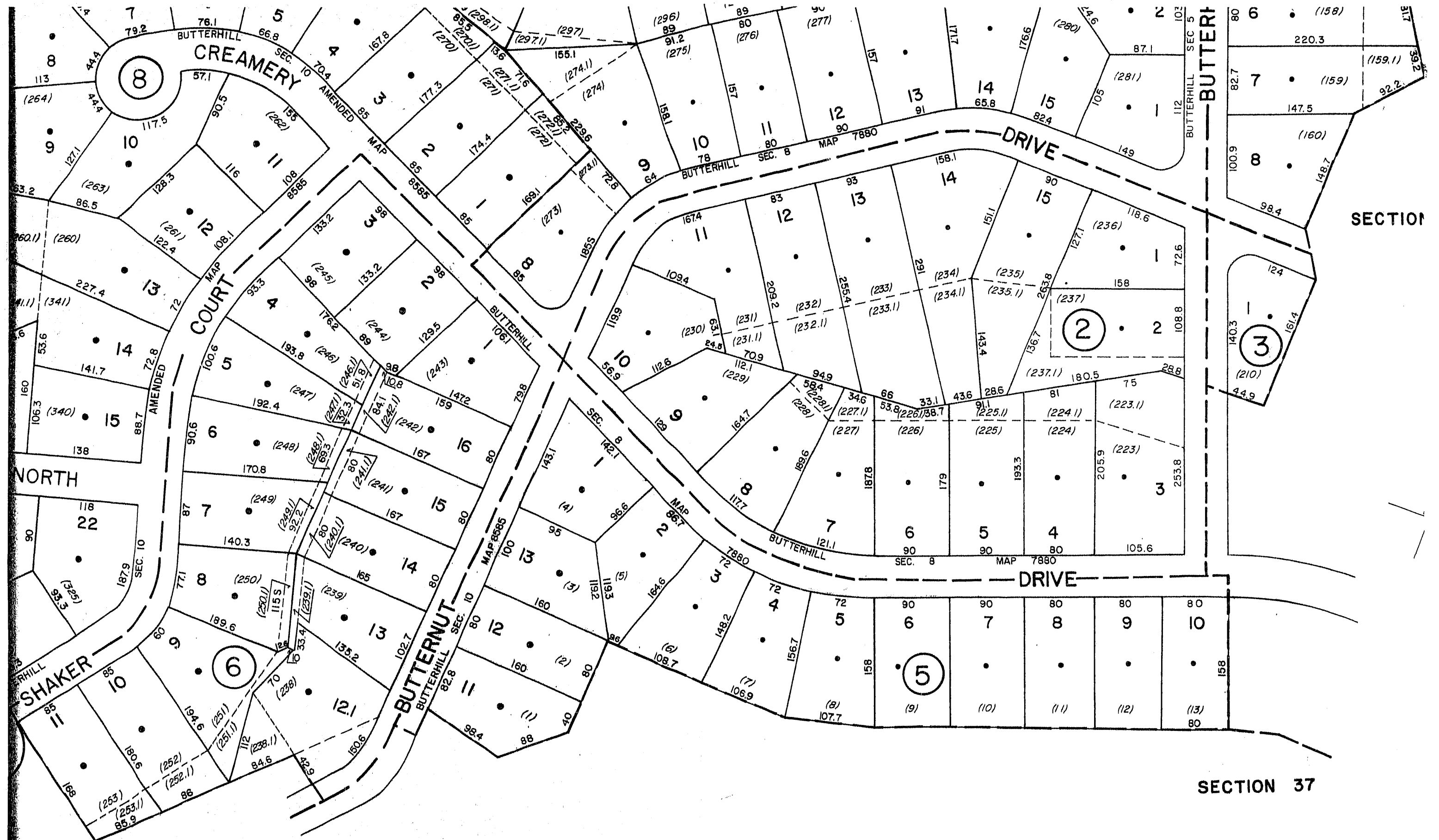
SPECIAL NOTES

1. Being Lot No. 5, as shown on a map entitled Butter Hill - Section 8, said map having been filed in the County Clerk's Office on 9 October 1986 as Map No. 7880.
2. Offsets shown are at right angles to the property lines, unless otherwise noted.
3. No certification is made for items not visible at ground surface at time of the survey.
4. This survey was prepared prior to the receipt of a Title Report or Abstract of Title, and is therefore subject to easements and other grants not visible, if any.



 ELIAS D. ORRVA, L.S. LAND SURVEYOR 23 QUADRETT AVENUE NEW BRUNSWICK, NEW JERSEY 07102		SURVEY FOR: BERNARD I. POLSKY & ELIZABETH POLSKY TOWN OF NEW WINDSOR - ORANGE COUNTY - NEW YORK													
REVISIONS: <table border="1"> <thead> <tr> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </tbody> </table>		DATE	DESCRIPTION											Drawn: <u>10/84</u> Checked: <u> </u> Scale: <u>1"=30'</u> Date: <u>11 FEB 1987</u> Job No: <u>86-385</u>	
DATE	DESCRIPTION														
BOUNDARY/LOCATION SURVEY															

1" = 40'



MARY ANN HOTALING
Notary Public, State of New York
No. 01H05062877
Qualified in Orange County
Commission Expires July 8, 1998

Rec'd. ZBA
TNW 9/5/97

(Pm)

PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 27

Request of John L. & Geraldyn M. Casey

for a VARIANCE of the Zoning Local Law to permit:

construction of 14 x 16 ft. family room addition w/
insufficient rear yard;

being a VARIANCE of Section 48-12-Table of Use/Bulk
Reqs. - Col. G

for property situated as follows:

111 Creamery Drive, New Windsor, N.Y.

known as tax lot Section 80 Block 5 Lot 2

SAID HEARING will take place on the 22nd day of Sept.,
1997, at New Windsor Town Hall, 555 Union Avenue, New Windsor,
New York, beginning at 7:30 o'clock P. M.

James Nugent
Chairman



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

49

August 14, 1997

John L. Casey
111 Creamery Dr.
New Windsor, NY 12553

RE: 80-5-2

Dear Mr. Casey:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$65.00, minus your deposit of \$25.00.

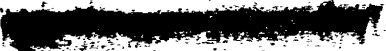
Please remit the balance of \$40.00 to the Town Clerks office.

Sincerely,

L. Cook/cad

LESLIE COOK
Sole Assessor

LC/cad



Noble, James E. & Maureen P.
340 Butternut Dr.
New Windsor, NY 12553

Wandell, Anthony
338 Butternut Dr.
New Windsor, NY 12553

Malec, Michael W. & Lorene E.
336 Butternut Dr.
New Windsor, NY 12553

Tannenbaum, Farrel & Heidi
334 Butternut Dr.
New Windsor, NY 12553

Bradley, Joan F.
332 Butternut Dr.
New Windsor, NY 12553

Chiavaro, Peter A. & Ellen J.
219 Butterhill Dr.
New Windsor, NY 12553

Donaldson, Robert W. & Angela
221 Butterhill Dr.
New Windsor, NY 12553

Hernandez, Philip & Irene
84 Creamery Dr.
New Windsor, NY 12553

Bohr, Gerald M. Jr. & Rose Marie
86 Creamery Dr.
New Windsor, NY 12553

Hall, Gary A. & Theresa A.
88 Creamery Dr.
New Windsor, NY 12553

Washington, Andres J. & Deirdre D.
90 Creamery Dr.
New Windsor, NY 12553

Puleo, Frank & Gayann
92 Creamery Dr.
New Windsor, NY 12553

Olivo, Joseph T. & Cynthia L. Weiss
94 Creamery Dr.
New Windsor, NY 12553

Feinstein, Joel & Gloria
335 Butternut Dr.
New Windsor, NY 12553

Moore, Charles A. & Raelynn Engan Moore
333 Butternut Dr.
New Windsor, NY 12553

Keber, Richard H. & Carol
331 Butternut Dr.
New Windsor, NY 12553

Wood, Craig & Patricia
329 Butternut Dr.
New Windsor, NY 12553

Scott, John A. & Margaret J.
327 Butternut Dr.
New Windsor, NY 12553

Addo, Joseph M. & Audrey L.
325 Butternut Dr.
New Windsor, NY 12553

Cantori, Denis & Mary
Prel Gardens, Apt. 5-E
Orangeburg, NY 10962

Hubbard, Mavourneen A. & James T.
109 Creamery Dr.
New Windsor, NY 12553

Niforopulos, Carmen
107 Creamery Dr.
New Windsor, NY 12553

Ryan, Kieran D.
105 Creamery Dr.
New Windsor, NY 12553

Saavedra, Monica E. & Jones, Fred A.
103 Creamery Dr.
New Windsor, NY 12553

Brouard, Thomas P. & Donna C.
101 Creamery Dr.
New Windsor, NY 12553

Cuadra, Roberto A. & Angelita
99 Creamery Dr.
New Windsor, NY 12553

Perk, William J. & Donna C.
97 Creamery Dr.
New Windsor, NY 12553

Robert L. Kopman Living Trust ETAL
345 Butternut Dr.
New Windsor, NY 12553

Leight, John V. & Susan G.
343 Butternut Dr.
New Windsor, NY 12553 X

Ubriaco, Michael J. & Kathleen
341 Butternut Dr.
New Windsor, NY 12553 X

Quinn, Francis E. & Nancy T. Shannon
342 Butternut Dr.
New Windsor, NY 12553 X

Oates, Michael & Josephine
117 Creamery Dr.
New Windsor, NY 12553 X

Hoey, Leonard
1 Shaker Ct.
New Windsor, NY 12553 X

Pullano, Anthony & Pauline
3 Shaker Ct.
New Windsor, NY 12553 X

Arcaro, Vincent & Sandra
5 Shaker Ct.
New Windsor, NY 12553 X

Duquette, James R. & Judy A.
7 Shaker Ct.
New Windsor, NY 12553 X

Perretti, Donald J. & Gina
9 Shaker Ct.
New Windsor, NY 12553 X

Villafane, Rafeal E. & Linda
11 Shaker Ct.
New Windsor, NY 12553 X

Foschini, Errol
13 Shaker Ct.
New Windsor, NY 12553 X

Stone, Howard & Kathleen
15 Shaker Ct.
New Windsor, NY 12553 X

Cleeves, James A. Jr. & Linda
352 Butternut Dr.
New Windsor, NY 12553 X

Morfe, Michael E. & Carmen P. Morfe
350 Butternut Dr.
New Windsor, NY 12553 X

Herlihy, Dennis & Mayer, Susan
348 Butternut Dr.
New Windsor, NY 12553 X

Cazzolla, Keith & Karen
346 Butternut Dr.
New Windsor, NY 12553 X

Lubarsky, Donald & Joann
344 Butternut Dr.
New Windsor, NY 12553 X

Maiello, Joseph Jr. & Bonnie
100 Creamery Dr.
New Windsor, NY 12553 X

Schorro, James A.
102 Creamery Dr.
New Windsor, NY 12553 X

Lafayette Paper LP
131 Forge Hill Rd.
New Windsor, NY 12553 X

Town of New Windsor
555 Union Ave.
New Windsor, NY 12553 X

Date 8/18/97, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth 168 N. Drury La DR.
Newburgh, NY 12553

DATE			CLAIMED	ALLOWED
8/11/97		Zoning Board Mtg	75.00	
		Misc - 3		
		Barbara - 7		
		Casey - 5 22.50.		
		Mans / Toyota - 3		
		Craig / Toyota - 3		
		Scraglione - 4		
		25 pp	112.50	
			187.50	

CASEY, JOHN

MR. TORLEY: Request for 16 ft. rear yard variance to construct 14 x 16 family room at 111 Cremery Drive in a CL-1 zone.

Mr. John Casey appeared before the board for this proposal.

MR. CASEY: Currently, I have a 48 foot high ranch, I'd like to go out the back off of the existing deck and put a family room, submitted plans and site plans.

MR. TORLEY: So obviously, 16 foot rear yard variance for 14 x 16 foot family room you're already at the back line?

MR. CASEY: Yeah, if you look at the site plans, it's an angle, the piece of property it's not completely square. In fact, the existing structure that is there now is not 40 feet from the rear yard and I need a C.O. for it.

MR. TORLEY: That is typical Butterhill, you're not unique.

MR. CASEY: No, I found that out.

MR. KRIEGER: Mike, do you know anything about that?

MR. TORLEY: The piece of property behind you, is that another dwelling or is that a waterway?

MR. CASEY: No, it's another dwelling, it's actually on a different street, it's on Butternut.

MR. KANE: Where is 111?

MR. CASEY: It would be the second house heading east on the south side of the street.

MR. TORLEY: One of the things that again as our lawyer mentioned earlier, everything we do has to be by public hearing, so what we're going to do when the board has finished any other questions they have is take a vote

that will give you the right but not obligation to go to a public hearing.

MR. KANE: Do you have a deck on the back of the house currently?

MR. CASEY: Yes, currently 12 x --

MR. KANE: Will this be replacing the existing deck on the back of the house?

MR. CASEY: Yes, I submitted blueprints, what's going to be 14 x 16 room with I believe 8 x 12 deck on the side of that.

MR. KANE: The existing deck that is there is it that particular size 14 x 16?

MR. CASEY: It's 12 by 12.

MR. KANE: Any other decks in your neighborhood with that similar size off the back of their houses?

MR. CASEY: 12 x 12 or 14 x 16?

MR. KANE: In that area?

MR. CASEY: Yes.

MR. TORLEY: And the deck that is there now though it has a C.O. probably is encroaching on the back yard as it stands?

MR. CASEY: Yeah, also well see when I bought the house there was no property on Butternut, the first house actually on the I guess it would be the east side of the street was not there at the time.

MR. TORLEY: Real veteran of the place.

MR. CASEY: Not really, been there since '89, but anyway what happened I got a C.O. and put up the pool in compliance and deck around the pool and the pool and the deck are not 40 feet from the property line neither.

MR. KANE: Pool doesn't have to be.

MR. CASEY: But the deck around the pool I believe does.

MR. BABCOCK: Not if it is attached to the house.

MR. CASEY: Oh, okay.

MR. BABCOCK: It's a different regulation if it is attached.

MR. KANE: When you come back for a public hearing, I'd suggest that you bring some pictures of your back yard and view from the deck so we can see exactly what you're doing.

MR. CASEY: When I called to get this, I asked if there was anything needed.

MR. KRIEGER: As of right now, that is perfectly correct, talking about when you heard what I said to the earlier gentleman about the public hearing?

MR. CASEY: Right.

MR. TORLEY: One other thing you might want to do you'll be sending out letters, fair number of them, the language in the letters you might want to just put a line there saying this is for a deck.

MR. KANE: Michael, on his plan, is it the one corner if I am looking from the back of the house out one corner that doesn't meet the 40 or is it the whole back across since he has that angle?

MR. BABCOCK: Well, it's on an angle there, Mike, so it gets farther and farther away as it goes, I couldn't tell you how far out.

MR. CASEY: I did measurements the one corner, actually would be roughly 27 feet and as you go, as the room progresses, the property line goes out also so it goes like 27 to 38 to 42 to 56 like that.

MR. TORLEY: Please be careful of your measurements because hopefully you'll receive a variance for a certain specified distance. If you ask for 16 foot variance and you actually needed a 16 1/2 foot variance, you have got to start all over so doublecheck your measurements.

MR. CASEY: Well, it's actually going to wind up being less than what the plans say because in checking out I can't really go 16 feet out the way that the architect had measured because that runs into that other deck right there which I guess he didn't measure correctly so it is probably going to be 15 feet out.

MR. KRIEGER: Less is not a problem, more is a problem.

MR. CASEY: It certainly won't be more than 16.

MR. KANE: If you can provide us with some prints of the plan that you are planning to build so we can see that.

MR. CASEY: I gave a copy of the blueprint.

MR. KANE: At the public is fine.

MR. TORLEY: Entertain a motion.

MR. KANE: Yes, Mr. Chairman, I move that we set up Mr. John Casey for a public hearing for his requested variances for 111 Creamery Drive.

MS. OWEN: Second it.

ROLL CALL

MS. OWEN	AYE
MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE

MR. KRIEGER: There are certain criteria by which the zoning board must act, according to law, and I have set those forth in that memorandum, if you'd address

August 11, 1997

14

yourself to those criteria at the public hearing that would be helpful.

MR. CASEY: That will be set up by you?

MR. TORLEY: When you get the paperwork back, we'll set up the time.

MR. CASEY: Thank you.

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

97-27

Date: 08-15-97

I. ✓ Applicant Information:

- (a) JOHN L. CASEY III CREAMERY DR. NEW WINDSOR, N.Y. 561-3293
(Name, address and phone of Applicant) (Owner)
- (b) SAME
(Name, address and phone of purchaser or lessee) 914-
- (c) KEITH BRANDFOTEL 1 BLUE HILL PLAZA SUITE 1640 PEARL RIVER N.Y. 735-4500
(Name, address and phone of attorney)
- (d) ARCHITECT H. N. RIVES 30 CROFT RD. DOUGHERTYSIDE NY 12603 914-462-1025
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- ☐ Use Variance ☐ Sign Variance
- ☒ Area Variance ☐ Interpretation

✓ III. Property Information:

- (a) RES. III CREAMERY DR. NEW WINDSOR 80-5-2 29 Acre
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? Commercial
- (c) Is a pending sale or lease subject to ZBA approval of this application? NO
- (d) When was property purchased by present owner? 8/89
- (e) Has property been subdivided previously? NO
- (f) Has property been subject of variance previously? NO
If so, when? _____
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? NO
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: NO
- _____

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:
(Describe proposal) _____
- _____

N/A

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes No X.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

✓ V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-34A, Table of Zoning/Bulk Regs. Regs., Col. G.
48-12

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area		
Min. Lot Width		
Reqd. Front Yd.		
Reqd. Side Yd.		
Reqd. Rear Yd. <u>40 Feet</u>	<u>24 feet</u>	<u>16 feet</u>
Reqd. Street Frontage*		
Max. Bldg. Hgt.		
Min. Floor Area*		
Dev. Coverage* <u> </u> %	<u> </u> %	<u> </u> %
Floor Area Ratio** <u> </u>		
Parking Area <u> </u>		

* Residential Districts only

** No-residential districts only

✓ (b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

I WILL BE PUTTING ON A FAMILY ROOM ADDITION WHICH WILL REMAIN CONSISTENT WITH THE EXISTING STRUCTURE. BECAUSE OF THE ANGULAR SHAPE OF THE PROPERTY AND THE WAY THE HOUSE IS LAIN OUT THE ONLY POSSIBLE ADDITION IS IN THE DESCRIBED LOCATION.

(You may attach additional paperwork if more space is needed)

VI. Sign Variance: N/A

(a) Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
	_____	_____	_____

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Interpretation. N/A

(a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

(b) Describe in detail the proposal before the Board:

✓ VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

upgraded and that the intent and spirit of the New Windsor Zoning is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

THE ADDITION WILL BE CONSISTENT WITH THE EXISTING STRUCTURE,
THE ADDITION WILL BE IN THE SAME MANNER AS OTHER
ADDITIONS IN THE NEIGHBORHOOD.

IX. Attachments required:

- ☒ Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- ☒ Copy of tax map showing adjacent properties.
- N/A ☐ Copy of contract of sale, lease or franchise agreement.
- ☒ Copy of deed and title policy.
- ☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- N/A ☐ Copy(ies) of sign(s) with dimensions and location.
- ☒ Two (2) checks, one in the amount of \$ 50.00 and the second check in the amount of \$ 300.00, each payable to the TOWN OF NEW WINDSOR.
- ☒ Photographs of existing premises from several angles.

X. Affidavit.

Date: Aug. 25, 1997.

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

x. [Signature]
(Applicant)

Sworn to before me this

25th day of August, 1997.

Patricia A. Barnhart

XI. ZBA Action:

(a) Public Hearing date: _____

PATRICIA A. BARNHART
Notary Public, State of New York
No. 01BA4904434
Qualified in Orange County
Commission Expires August 31, 1997.

(b) Variance: Granted (___) Denied (___)

(c) Restrictions or conditions: _____

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

John D. Caney
Geraldyn M. Caney
111 Greenway Drive
New Windsor, NY 12550
2956
1-108/280
08-25-1977
PAY TO THE ORDER OF Town of New Windsor
Three Hundred Dollars
\$ 300.00
DOLLARS ☒ Dollars in back
Marine Midland Bank
NORTH MIDDLETOWN ROAD OFFICE
76 NORTH MIDDLETOWN ROAD
PEARL RIVER, NEW YORK 10965
FOR #97-27-2BA
1:02:00 108 11:09:21 28 11:09:21 28 11:09:21 28 11:09:21 28

John D. Caney
Geraldyn M. Caney
111 Greenway Drive
New Windsor, NY 12550
2957
1-108/280
08-25-1977
PAY TO THE ORDER OF Town of New Windsor
Fifty Dollars
\$ 50.00
DOLLARS ☒ Dollars in back
Marine Midland Bank
NORTH MIDDLETOWN ROAD OFFICE
76 NORTH MIDDLETOWN ROAD
PEARL RIVER, NEW YORK 10965
FOR #97-27-2BA
1:02:00 108 11:09:21 28 11:09:21 28 11:09:21 28 11:09:21 28

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE

(This Page is Part of the Instrument)

PRINT OR TYPE: BLACK INK ONLY

Bernard I. Polsky + Elizabeth Polsky

TO

John L. Casey + Geraldyn M. Casey

SA81953

RECORD AND RETURN TO:
(Name and Address)

Dorfman + Lynch
14 North Broadway
Nyack, NY 10960

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH
RECORDED INSTRUMENT ONLY.

DO NOT WRITE BELOW THIS LINE

CONTROL NO. 059912 DATE 8/29/89 AFFIDAVIT FILED 19

INSTRUMENT TYPE: DEED ☒ MORTGAGE ☐ SATISFACTION ☐ ASSIGNMENT ☐ OTHER ☐

BG20 Blooming Grove
CH22 Chester
CO24 Cornwall
CR26 Crawford
DP28 Deerpark
GO30 Goshen
GR32 Greenville
HA34 Hamptonburgh
HI36 Highland
MK38 Minisink
ME40 Monroe
MY42 Montgomery
MH44 Mount Hope
NT46 Newburgh (T)
NW48 New Windsor
TU50 Tuxedo
WL52 Wallkill
WK54 Warwick
WA56 Wawayanda
WO58 Woodbury
MN09 Middletown
NC11 Newburgh
PJ13 Port Jervis
9999 Hold

SERIAL NO. _____
Mortgage Amount \$ _____
Exempt Yes _____ No _____
3-6 Cooking Units Yes _____ No _____
Received Tax on above Mortgage
Basic \$ _____
MTA \$ _____
Spec. Add. \$ _____
TOTAL \$ _____

CHECK ☒ CASH ☐ CHARGE ☐
MORTGAGE TAX \$ _____
TRANSFER TAX \$624.00
Ed Fund 5.00
RECORD. FEE \$11.00
REPORT FORMS \$5.00
CERT. COPIES \$ _____

MARION S. MURPHY
Orange County Clerk

by: _____

ORANGE COUNTY CLERK'S OFFICE S.S.

Recorded on the 7th day of Sept 19 89 at 9:20
O'Clock A M. In Liber/Film 3185
Liber at page 74 and examined.

Marion S. Murphy
County Clerk

RECEIVED
\$624.00
REAL ESTATE
SEP 7 1989
TRANSFER TAX
ORANGE COUNTY
M.S.

LIBER 3185 PAGE 74

STATE OF NEW YORK, (COUNTY OF ORANGE) SS:
JOHN A. NICHOL, COUNTY CLERK AND CLERK OF THE
COURTS, ORANGE COUNTY, DO HEREBY CERTIFY THAT I HAVE COMPARED THIS COPY WITH
THE ORIGINAL THEREOF FILED OR RECORDED IN MY OFFICE ON Sept 7, 1989
AND THE SAME IS A CORRECT TRANSCRIPT THEREOF.
IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL
Aug 19, 1997 Joan A. Niccoli
COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS, ORANGE COUNTY

1024
This Indenture, made the 29th day of August nineteen hundred and eighty-nine
Between BERNARD I. POLSKY and ELIZABETH POLSKY, his wife, both
residing at 111 Creamery Drive, New Windsor, New York 12550
aka Elizabeth M. Polsky.

party of the first part, and JOHN L. CASEY and GERALYN M. CASEY, husband
and wife, both residing at 111 Creamery Dr. New Windsor, NY 12550

174x-624-
party of the second part.

Witnesseth, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by
the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors
and assigns of the party of the second part forever.

ALL that certain piece or parcel of land, situate, and being in the
Town of New Windsor, Orange County, N.Y. known as Lot No. 5, as shown
on a map entitled "Butter Hill Section 8", said map having been filed
in the Orange County Clerk's Office on 9 October 1986 as Map No.
7880, being more particularly described as follows:

BEGINNING at a point in the southerly line of Creamery Drive where
said line is intersected by the division line between Lot No. 5 and
Lot No. 6 running thence, the following courses;

1. Along said division line, South 29 degrees 37' 19" West 164.59
feet to a point
2. Along the division line between the lot herein described and
lands now or formerly of the Town of New Windsor, North 75 degrees
30' 47" West, 9.62 feet to a point
3. Still along said Town of New Windsor lands, North 18 degrees 32'
13" West, 119.27 feet to a point
4. Along Lot No. 4, as shown on the above-referenced map, North 36
degrees 42' 17" East, 96.58 feet to the southerly line of Creamery
Drive
5. Along said street line, South 53 degrees 17' 43" East, 47.76 feet
to a point of curvature
6. On a curve to the left having a radius of 315.00 feet a distance
of 38.94 feet to the point or place of BEGINNING.

Together with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting
the above described premises to the center lines thereof; Together with the appurtenances and all the estate and
rights of the party of the first part in and to said premises; To Have And To Hold the premises herein granted unto the
party of the second part, the heirs or successors and assigns of the party of the second part forever.

And the party of the first part covenants that the party of the first part has not done or suffered anything whereby the
said premises have been encumbered in any way whatever, except as aforesaid.

And the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part
will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund
to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment
of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.
In Witness Whereof, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

Bernard I. Polsky
Bernard I. Polsky

Elizabeth Polsky
Elizabeth Polsky

Penn.
STATE OF NEW YORK, COUNTY OF *Bucks* ss:
On the *2nd* day of *JULY* 1989, before me
personally came *Bernard I. Polsky*
and *Elizabeth Polsky*

to me known to be the individual s described in and who
executed the foregoing instrument, and acknowledged
that they executed the same.

Marie A. Ott

NOTARY SEAL
MARIE A. OTT, NOTARY PUBLIC
NEWTOWN TOWNSHIP, BUCKS COUNTY
MY COMMISSION EXPIRES APRIL 23, 1991

Member, Pennsylvania Association of Notaries

STATE OF NEW YORK, COUNTY OF ss:
On the day of 19, before me
personally came
to me known, who, being by me duly sworn, did depose and
say that he resides at No.

that he is the
of

, the corporation described
in and which executed the foregoing instrument; that he
knows the seal of said corporation; that the seal affixed to said
instrument is such corporate seal; that it was so affixed by
order of the board of directors of said corporation, and
that he signed his name thereto by like order.

STATE OF NEW YORK, COUNTY OF ss:
On the day of 19, before me
personally came

to me known to be the individual described in and who
executed the foregoing instrument, and acknowledged
that executed the same.

STATE OF NEW YORK, COUNTY OF ss:
On the day of 19, before me
personally came
the subscribing witness to the foregoing instrument, with
whom I am personally acquainted, who, being by me duly
sworn, did depose and say that he resides at No.

; that he knows
to be the individual
described in and who executed the foregoing instrument;
that he, said subscribing witness, was present and saw

execute the same; and that he, said witness,
at the same time subscribed his name as witness thereto.

Bargain and Sale Deed
With Covenant Against Grantor's Acts

Title No. *SA 81953*

**BERNARD I. POLSKY &
ELIZABETH POLSKY**

TO

SECTION *80*

BLOCK *5*

LOT *2*

CITY OR TOWN *New Windsor*

COUNTY *Orange*

Recorded At Request of

TITLE USA Insurance Corporation
of New York

RETURN BY MAIL TO:

Standard Form of New York
Board of Title Underwriters
Distributed by
TITLE USA Insurance Corporation
of New York

Dorfman & Lynch
14 N. Broadway
NY 10018, NY

Zip No. *10960*

LIBER 3185 PAGE 76

RESERVE THIS SPACE FOR
USE OF RECORDING OFFICE